

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BRENDA K. HURSTON : CASE NO. C-1-01 313

Plaintiff : (Judge Weber)

-VS- :

BUTLER COUNTY DEPT. OF : AFFIDAVIT OF MICHAEL E.
JOB AND FAMILY SERVICES, : JACOBS, ESQ.
et al :

Defendants :

: : : : : :

STATE OF OHIO)
) SS:
COUNTY OF BUTLER)

Now comes, Michael E. Jacobs, Esq., an individual over the age of eighteen and having personal knowledge of the facts contained herein, after being first duly sworn, states that the following is true and accurate to the best of his knowledge and belief:

1. I have been assisting Jack C. McGowan, counsel of record in the above-referenced matter.

2. On October 13, 2004, we turned over to plaintiff via letter a copy of her entire personnel file and some additional documents which had been turned over to counsel by the Department of Job and Family Services as outlined in my letter to Brenda Hurston, attached hereto as Exhibit 1.

3. In preparation for preparing the letter to Ms. Hurston,

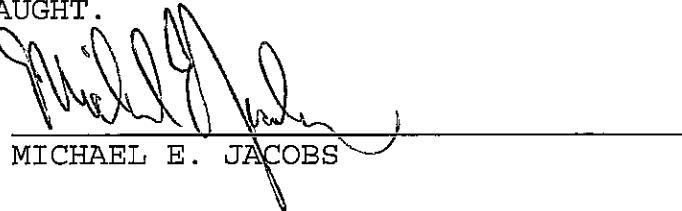
I reviewed the entire contents of our file.

4. On October 19, 2004, we turned over to plaintiff via letter a copy of Agreement between Butler County Department of Human Services and the AFLCIO Local from December 3, 1987 through October 31, 1989 which has been turned over to counsel by the Department of Job and Family Services as outlined in my letter to Brenda Hurston, attached hereto as Exhibit 2.

5. On October 22, 2004, we turned over to plaintiff via letter two pages of information regarding plaintiff's pay and leave history, Auditor's records from 1993 to 2001, a memorandum indicating that requests to personnel for interviews for job positions are only kept as far back as 2001, and an Assent to Lateral Class Change from October of 1988 which were provided to counsel on October 20, a true and accurate copy of the letter to Ms. Hurston is attached hereto as Exhibit 3.

6. As of the date of the mailings of the letters to Ms. Hurston all documents that have been provided by Butler County that were not privileged were provided to Ms. Hurston either prior to or with the letters which are attached hereto as Exhibits 1, 2 and 3.

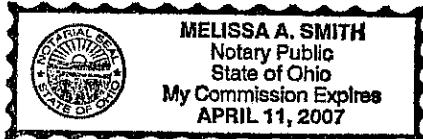
FURTHER AFFIANT SAYETH NAUGHT.



MICHAEL E. JACOBS

Sworn to and subscribed before me, a Notary Public, this
22nd day of October, 2004.

Melissa A. Smith
NOTARY PUBLIC



U.S. POSTAL RECEIPT
(Domestic Mail Only; No Insurance Coverage)
Case 1:01-cv-06543-TBB Document 123 Filed 10/25/2004 Page 4 of EXHIBIT

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CGOWAN & JACOBS, LLC
NEYS AND COUNSELORS AT LAW
246 HIGH STREET
HAMILTON, OHIO 45011
TELEPHONE (513) 844-2000
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JCM@jcmcgowan.com

Michael.Jacobs@jcmcgowan.com

*ALSO ADMITTED IN KENTUCKY AND INDIANA

Postmark
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October 13, 2004

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PS Form 3600, June 2002

See Reverse for Instructions

Ms. Brenda Hurston
1812 Grand Avenue
Middletown, OH 45044

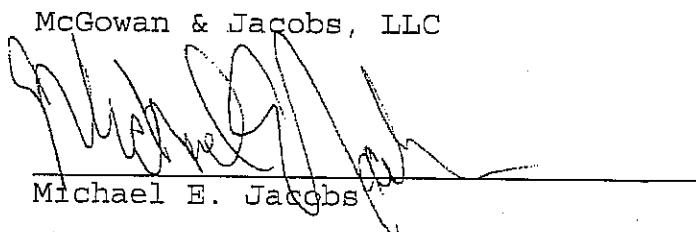
Re: Brenda K. Hurston vs. Butler County Job & Family Services

Dear. Ms. Hurston:

Please find enclosed a copy of Dr. Randolph's May 5, 1998 report. Also enclosed please find a complete copy of your personnel file from the Butler County Department of Job and Family Services. Additionally, enclosed is another copy of the November 30, 1990 agreement between Butler County Department of Human Services, Butler County, Ohio and the American Federation of State, County and Municipal Employees Ohio Council A Local 3062 AFL-CIO. We apologize for not copying all pages and only copying even numbered pages. Lastly, please find enclosed a job audit and classification information.

Sincerely,

McGowan & Jacobs, LLC



Michael E. Jacobs

MEJ:ksj
Enclosures



MC GOWAN & JACOBS, LLC
 ATTORNEYS AND COUNSELORS AT LAW
 246 HIGH STREET
 HAMILTON, OHIO 45011
 TELEPHONE (513) 844-2000
 FAX (513) 868-1190

JCM@jcmcgowan.com
 Michael.Jacobs@jcmcgowan.com

*ALSO ADMITTED IN KENTUCKY AND INDIANA

JACK C. MC GOWAN
 MICHAEL E. JACOBS*

VIA CERTIFIED MAIL

October 19, 2004

Ms. Brenda Hurston
 1812 Grand Avenue
 Middletown, OH 45044

Re: Brenda K. Hurston vs. Butler County Job & Family Services

Dear. Ms. Hurston:

Enclosed please find the agreement between Butler County Department of Human Services and the AFLCIO Local covering the time frame of December 3, 1987 through October 31, 1989. This would have been in effect as of your hire date in March, 1988.

Yours very truly,

McGowan & Jacobs, LLC

Jack C McGowan
 Jack C. McGowan

JCM:ksj
 Enclosure

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(Domestic Mail Only; No Insurance Coverage Provided)

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Document 123 Filed 10/25/2004 Page 6 of 6 EXHIBIT

DEFENDANT'S

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GOWAN & JACOBS, LLC
YS AND COUNSELORS AT LAW
246 HIGH STREET
MAMILTON, OHIO 45011

TELEPHONE (513) 844-2000
FAX (513) 868-1190

JCM@jcmcgowan.com

Michael.Jacobs@jcmcgowan.com

*ALSO ADMITTED IN KENTUCKY AND INDIANA

October 22, 2004

See Reverse for Instructions

Ms. Brenda Hurston
1812 Grand Avenue
Middletown, OH 45044

Re: Brenda K. Hurston vs. Butler County Job & Family Services

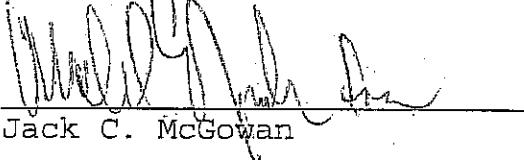
Dear. Ms. Hurston:

Please find enclosed some additional records including two pages of information regarding your pay and leave history, Auditor's records from 1993 to 2001, a memorandum indicating that requests to personnel for interviews for job positions are only kept as far back as 2001, and an Assent to Lateral Class Change from October of 1988.

The Department of Job and Family Services has found no other records responsive to your Requests for Production of Documents, Things and Business Records.

Yours very truly,

McGOWAN & JACOBS, LLC


Jack C. McGowan

JCM:ksj
Enclosures